

REMARKS

In the Office Action,¹ the Examiner:

rejected claims 15-18 and 20 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite;

rejected claims 15 and 17-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Publication No. 2002/0002035 to Sim et al. (“Sim”) in view of an article entitled “Bluetooth: Carrying Voice over ACL Links” authored by Kapoor (“Kapoor”); and

rejected claim 16 under 35 U.S.C. § 103(a) as allegedly unpatentable over Sim in view Kapoor and in view of Official Notice.

Claim 20 is cancelled by this reply. Claims 15, 16, 17, and 19 are amended. No new matter is added by this amendment. Claims 15-19 are pending.

Applicant respectfully traverses the rejection of claims 15-18 and 20 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In order to expedite prosecution, claim 15 has been amended in a manner to overcome the rejection. Claims 16-18 were rejected based on their dependencies. Accordingly, Applicant asserts that claims 15-18 are definite and the rejection should be withdrawn. Claim 20 has been cancelled and thus the rejection of claim 20 under 35 U.S.C. § 112 is moot. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 U.S.C. § 112, second paragraph.

Applicant respectfully traverses the rejection of independent claim 15 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims.

¹ The Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

The Office Action alleges that Sim discloses "a first channel for transmitting content data from the wireless communication device to the external device (Sim: page 4, paragraph 48, noted the ACL link for high speed data transmission) and a second channel for transmitting content data from the external device to the wireless communication device (Sim: page 4, paragraph noted the SCO link for voice communication)." Office Action p. 7. But, this allegation is not correct.

Sim discloses "[a]fter the radio link for transmitting high speed data is released, the SCO link for voice communication is established." Sim paragraph [0048]. Thus, it is evident from the disclosure that the "radio link" and the "SCO link" are not simultaneously established. Sim cannot disclose or suggest the claimed "establish[ing] two independent transport channels" at least because Sim discloses that the "radio link" connection must be terminated before the "SCO link" can be established. There is

nothing in Sim that can reasonably be said to disclose or suggest “establish[ing] two independent transport channels” because Sim explicitly states that one connection must be “released” before another may be established. Inasmuch as one connection must be “released” before another may be established, Sim does not disclose or suggest “establish[ing] two independent transport channels.” For at least this reason, the a *prima facie* case of obviousness has not been established with respect to claim 1. Accordingly, the rejection should be withdrawn.

Notwithstanding the above discussion, claim 15 is allowable for another separate and distinct reason. Claim 15 recites “encod[ing] content by a first compression-encoding scheme.” Sim does not disclose or suggest this feature of claim 1, as the Office Action alleges. See Office Action p. 7.

For example, the Office Action states that Sim discloses “that upon [a] user’s selection of listening to a MP3 file, ACL connection is established for streaming the selected MP3 file from the baseband/master to the headset/slave, with the decoder 15 in decoding high speed data e.g.: music.” Office Action p. 7. The Office Action seemingly alleges that the “MP3 file” disclosed in Sim constitutes the claimed “encod[ing] content data by a first compression-encoding scheme.” But, this allegation is not correct for at least the following reasons.

Even if the Office Action is correct and Sim discloses wireless transmission of “MP3” data, Sim states that “MP3 data is prestored in a memory.” Sim paragraph [0040]. Since the “MP3 data” is “prestored in a memory,” there can be no disclosure or suggestion of encoding music into the “MP3” file. Therefore, since the “MP3 data” is “prestored in a memory,” Sim cannot disclose or suggest the claimed “encod[ing]

content data by a first compression-encoding scheme.” Therefore, for at least this additional reason, claim 15 is allowable. Accordingly, the rejection of claim 15 should be withdrawn.

None of Kapoor or Official Notice, whether taken alone or in combination, disclose or suggest the features of the claims at least because neither Kapoor nor Official Notice remedies at least the deficiencies of Sim identified above. Independent claim 19, although of a scope different from that of claim 15, recites subject matter that is similar to that of claim 15 and is allowable for reasons at least similar to those discussed above in connection with claim 15. Dependent claims 16-18 are allowable at least due to their dependence on independent claim 15.

In the Office Action, the Examiner has relied on Official Notice. Applicant respectfully requests that the Examiner provide evidence to support the assertions of Official Notice, particularly with respect to claim 16. Absent appropriate evidence, a *prima facie* case of obviousness has not been established with respect to claim 16. Furthermore, Official Notice does not remedy the deficiencies of Sim and Kapoor discussed above. Therefore, claim 16 is allowable at least due to its dependence.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Travis R. Banta
Reg. No. 60,498